

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
CENTRAL DIVISION

IN THE MATTER OF THE SEARCH OF:

CASE NUMBER: 3:19-MJ-05

The premises known as the offices of
Facebook, Inc., 1601 Willow Road,
Menlo Park, California 94025, for
information associated with Facebook
User Account Number
"1202633104"/Facebook Username
"jojo.bourne.1"

**AFFIDAVIT IN SUPPORT OF
APPLICATION FOR
SEARCH WARRANT**

State of South Dakota)
) ss
County of Hughes)

I, Dylan Dowling, being first duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I make this Affidavit in support of an application for search warrant for information associated with a Facebook User Account Number/Facebook Username that is stored at premises owned, maintained, controlled, or operated by Facebook, Inc. ("Facebook"), a social networking company headquartered in Menlo Park, California, with offices at 1601 Willow Road, Menlo Park, California 94025. The information to be searched is described in the following paragraphs and in Attachment A, attached hereto. This Affidavit is made in support of an application for a search warrant under 18 U.S.C. §§ 2703(a), 2703(b)(1)(A), and 2703(c)(1)(A) to require Facebook to disclose to the Government, records and other information in its possession, pertaining to the subscriber or customer

associated with the user ID set forth in Attachment A.

2. I am a Trooper with the South Dakota Highway Patrol (SDHP). I have been a certified law enforcement officer for approximately nine years, currently holding the position of Trooper since November of 2009. I am federally deputized and currently assigned to the Federal Bureau of Investigation (FBI) as a task force officer with the Northern Plains Safe Trails Drug Enforcement Task Force (NPSTDETF), based out of Pierre, South Dakota. I have been involved in numerous narcotic investigations and have received specialized training for the investigation of illegal drugs. I have written search warrants and have assisted with the execution of search warrants associated with drug investigations. I have attended multiple Drug Interdiction Courses, a One Pot Methamphetamine Laboratory Course, and have had other drug investigation training. I have attended and completed a thirteen-week basic law enforcement certification course in South Dakota and a fourteen-week Highway Patrol Academy. I have also completed a ten-week field training program with the SDHP.

3. The facts and information contained in this Affidavit are based upon my personal observations, my training and experience, and information obtained from other law enforcement officers and witnesses. This Affidavit is intended to show merely that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter.

4. Based on my training and experience and the facts as set forth in this Affidavit, there is probable cause to believe that violations of 21 U.S.C. §§ 841 and 846 (Distribution, and/or Possession with Intent to Distribute), have

been committed by Joseph "Jojo" Bourne. There is also probable cause to search the information described in Attachment A for evidence, contraband, or fruits of these crimes, as further described in Attachment B, hereto.

PROBABLE CAUSE

5. On September 12, 2018, an interview was conducted with Sammi Jo Whipple. While speaking with Sammi, she advised she has bought methamphetamine from a female who was later identified as Carissa Martinez. Sammi advised that she communicated with Carissa through Facebook about the drug transactions.

6. On October 1, 2018, a second interview was conducted with Sammi Whipple. During the course of the interview, I asked Sammi if I could look at her Facebook to verify the individual whom she was speaking with. Sammi granted me consent to look at the messages. While reviewing the messages, I observed Carissa's Facebook username to be "CaRissa Martinez." I reviewed the messages and did not observe any message directly related to drug transactions. I asked Sammi to explain how a normal drug transaction would take place between her and Carissa.

7. Sammi advised she would contact Carissa on Facebook and ask if she was home. Once Carissa advised that she was home, she would go to Carissa's apartment, located at 721 E. Wells Ave., Apartment 14 in Pierre, South Dakota. Once at the apartment, Sammi and Carissa would discuss the specifics about the drug transaction. Sammi advised that she purchased approximately a total of 0.9 grams from Carissa over three separate drug transactions.

8. On October 9, 2018, I applied for and was granted a state search warrant for Carissa Martinez's Facebook account by the Honorable John Brown. On October 19, 2018, I received the records from Facebook regarding the search warrant for Carissa Martinez's Facebook account.

9. While reviewing the information provided by Facebook, I found Courtney Glaser and Carissa Martinez were friends on Facebook. I located private messages between Courtney and Carissa. On October 10, 2018, Carissa sent Courtney the following message: "you got a new girl now I lost everything ill pay to you back for the shirts." Based on my training and experience, I know the word "shirts" to be a drug slang term for a teener, which based on my training and experience, I know to be 1.75 grams of an illegal substance. Carissa's statement "lost everything," I believe, references items seized by law enforcement when she was arrested in Pennington County, South Dakota, on September 19, 2018: multiple jewelry bags, a digital scale, a scope, a syringe, and approximately 1.5 grams of methamphetamine. Later in the same conversation, Carissa sent the following message to Courtney: "yeah I am amber said take that 2 you owe her and drop it off to Jenna between 5 and 10." Based on my training and experience, I know the "2 you owe" language is referencing a drug debt owed to Amber.

10. Based on the conversations between Carissa and Courtney, I believed they were assisting each other in the distribution of methamphetamine. On November 1, 2018, I applied for and was granted a state search warrant for Courtney Glaser's Facebook account by the Honorable Leo Disburg. On

November 15, 2018, I received the records from Facebook regarding the search warrant for Courtney Glaser's Facebook account.

11. While reviewing the information provided by Facebook, I found Courtney Glaser and Joseph Bourne were friends on Facebook. I located private messages between Courtney and Joseph "Jojo" Bourne from September 27, 2018, to November 1, 2018. The following are the highlights of private conversations between Joseph and Courtney, which I know from my training and experience to be about the distribution of methamphetamine:

- "know anyone looking" from Courtney Glaser
- "I was gonna ask if I gave ya 10 n could mayb get the homie hook for help in out moving stuff but if ya can't it's all good" from Jojo Bourne
- "b n 2 gs" from Jojo Bourne
- "wats a b n g cost" from Jojo Bourne
- "Not sure. Everyone dry now. But making a run Tues" from Courtney Glaser
- "still gonna bang me lol jk but u scsore any yet" from Jojo Bourne
- "Won't have money till weds. I thought u said ud help a guy out for helping ya out with a ride!! But might have 20 or so after q puts money on my card tonight if ya can help me out" from Jojo Bourne
- "Wanna do a fifty" from Jojo Bourne
- "ill smoke with you later tho" from Courtney Glaser
- "got some one waiting a forfy" from Jojo Bourne

- "U out ?? I need some to wake up! I could get u back within an hour or soout ?? I need some to wake up!" from Jojo Bourne
- "I'm out. Heidi N I gripped Lst night" from Courtney Glaser
- "Yea been trying too need a .4 for 40?" from Jojo Bourne
- "K u coming with me so I don't have to run back and forth?" from Jojo Bourne
- "ya give me agood 20 cuz im doing s decent one. heidi here thi" from Courtney Glaser
- "Bring the scale with ya change off order just leaving cowboy on Harrison" from Jojo Bourne
- ".5 for 50???" from Jojo Bourne
- "Yo you wanna take Richie a twenty ????" from Jojo Bourne
- "I can do it i have 3 I can get rid of??? You gotta make um weigh if u want me to help you wanna do.25 50s go ahead.... that's fine but two of them have been short now...n I gave them some out of mine to make it right... they'll keep coming back if you make them weigh... but I shouldn't have to fix em with what u gave me.. you said I'll do poin5 for point with you... which I thought ment I can do it p4p... the only ones I don't feel bad about are the bs... up to tho..... can u get ready a .5 a .2 and a .25??? That's 95 bucks if ya want me to do it... if not that's cool" from Jojo Bourne
- "K need a .5" from Jojo Bourne
- "Need a g before we head out" from Jojo Bourne

- "Need another g" from Jojo Bourne
- "Can 'u leave a .20 for me my moms gave me 20" from Jojo Bourne
- "Wana front a 20 to richie he'll pay tomorrow??? Up to you.. i trust him but do you?" from Jojo Bourne
- "Toss me a .50 till my check comes?? Be like 3 o'clock" from Jojo Bourne
- "Borrow me 50 for a hour" from Jojo Bourne
- "For what" from Courtney Glaser
- "a b" from Jojo Bourne
- "what so I get" from Courtney Glaser
- "Either a 50 back or a point 5" from Jojo Bourne
- "ya 20 short" from Jojo Bourne
- "I need tgat scale" from Courtney Glaser
- "hes waiting here for a bag" from Courtney Glaser
- "You got my \$" from Courtney Glaser
- "Yo im running to get the mula then have to run to dons then to a chicks hous to grab a g of green then im coming over... Got it" from Jojo Bourne
- "I was all over the place! I got 40 but its at jodys when shes done bein a dumbass she said i can go my stuff i got the boot" from Jojo Bourne
- "Ask richie if he still needs? He blocked me" from Courtney Glaser
- "Jw.need to get rid of this shit Nd want to play twister lol" from

Courtney Glaser

- “U still need help?” from Jojo Bourne
- “How much for a b? 300!! 275??” from Jojo Bourne
- “Ball for 3?” from Jojo Bourne
- “As not that much and I cant DP p4p cuz I got jacked” from Courtney Glaser
- “Got 3 people lookin” from Jojo Bourne
- “So how much you taking off my tab??i got absolutely nothing from that sale and got bitched at by two people..n u made 310 bucs off of 2 grams... Say down to 50??” from Jojo Bourne
- “K can you do 400 to help with gas or 375 at least” from Courtney Glaser
- “U want to get rid of any p4p?” from Jojo Bourne
- “I only have a 50 left and I gotta get it to jc I'll do .10 if you puck up carissa st 10. Get me first tho” from Courtney Glaser
- “Wtf did jc do? I saved the trip!” from Jojo Bourne
- “Getting ready n try a sell some shit. Need a lil more for car” from Courtney Glaser

12. Based on my training and experience, I am aware that individuals involved with the distribution of controlled substances communicate through multiple mediums including telephone calls, text messages, emails, and Facebook or other social network messages. I am further aware that persons involved in the distribution of controlled substances meet with purchasers at

various locations, and that the data of the locations visited may be stored on a cellular phone's GPS device or logged on a Facebook application.

13. Based on my training, knowledge, and experience as a law enforcement officer, I know that persons involved in the distribution of controlled substances often have photographs and/or home videotapes and in particular photographs and/or videotapes of co-conspirators, of assets, and/or controlled substances. I have been involved in drug investigations where photographs and/or videotapes have been found during search warrants. These photographs and/or videotapes have shown persons smoking, using, or ingesting, as well as persons flaunting their drugs and/or cash.

14. I completed an electronic preservation request with Facebook, Inc.'s records to preserve all information in the account associated with Facebook User Account Number/Facebook Username set forth in Attachment A. That preservation request was made and logged with Facebook on December 17, 2018, case #20182836NR.

15. Facebook owns and operates a free-access social networking website of the same name that can be accessed at <http://www.facebook.com>. Facebook allows its users to establish accounts with Facebook, and users can then use their accounts to share written news, photographs, videos, and other information with other Facebook users, and sometimes with the general public.

16. Facebook asks users to provide basic contact and personal identifying information to Facebook, either during the registration process or thereafter. This information may include the user's full name, birth date, gender,

contact e-mail addresses, Facebook passwords, Facebook security questions and answers (for password retrieval), physical address (including city, state, and zip code), telephone numbers, screen names, websites, and other personal identifiers. Facebook also assigns a user identification number to each account.

17. Facebook users may join one or more groups or networks to connect and interact with other users who are members of the same group or network. Facebook assigns a group identification number to each group. A Facebook user can also connect directly with individual Facebook users by sending each user a "Friend Request." If the recipient of a "Friend Request" accepts the request, then the two users will become "Friends" for purposes of Facebook and can exchange communications or view information about each other. Each Facebook user's account includes a list of that user's "Friends" and a "News Feed," which highlights information about the user's "Friends," such as profile changes, upcoming events, and birthdays.

18. Facebook users can select different levels of privacy for the communications and information associated with their Facebook accounts. By adjusting these privacy settings, a Facebook user can make information available only to himself or herself, to particular Facebook users, or to anyone with access to the Internet, including people who are not Facebook users. A Facebook user can also create "lists" of Facebook friends to facilitate the application of these privacy settings. Facebook accounts also include other account settings that users can adjust to control, for example, the types of notifications they receive from Facebook.

19. Facebook users can create profiles that include photographs, lists of personal interests, and other information. Facebook users can also post “status” updates about their whereabouts and actions, as well as links to videos, photographs, articles, and other items available elsewhere on the Internet. Facebook users can also post information about upcoming “events,” such as social occasions, by listing the event’s time, location, host, and guest list. In addition, Facebook users can “check in” to particular locations or add their geographic locations to their Facebook posts, thereby revealing their geographic locations at particular dates and times. A particular user’s profile page also includes a “Wall,” which is a space where the user and his or her “Friends” can post messages, attachments, and links that will typically be visible to anyone who can view the user’s profile.

20. Facebook allows users to upload photos and videos, which may include any metadata such as location that the user transmitted when he or she uploaded the photo or video. It also provides users the ability to “tag” (i.e., label) other Facebook users in a photo or video. When a user is tagged in a photo or video, he or she receives a notification of the tag and a link to see the photo or video. For Facebook’s purposes, the photos and videos associated with a user’s account will include all photos and videos uploaded by that user that have not been deleted, as well as all photos and videos uploaded by any user that have that user tagged in them.

21. Facebook users can exchange private messages on Facebook with other users. These messages, which are similar to e-mail messages, are sent to

the recipient's "Inbox" on Facebook, which also stores copies of messages sent by the recipient, as well as other information. Facebook users can also post comments on the Facebook profiles of other users or on their own profiles; such comments are typically associated with a specific posting or item on the profile. In addition, Facebook has a "Chat" feature that allows users to send and receive instant messages through Facebook. These chat communications are stored in the chat history for the account. Facebook also has a "Video Calling" feature, and although Facebook does not record the calls themselves, it does keep records of the date of each call.

22. If a Facebook user does not want to interact with another user on Facebook, the first user can "block" the second user from seeing his or her account.

23. Facebook has a "like" feature that allows users to give positive feedback or connect to particular pages. Facebook users can "like" Facebook posts or updates, as well as webpages or content on third-party (*i.e.*, non-Facebook) websites. Facebook users can also become "fans" of particular Facebook pages.

24. Facebook has a search function that enables its users to search Facebook for keywords, usernames, or pages, among other things.

25. Each Facebook account has an activity log, which is a list of the user's posts and other Facebook activities from the inception of the account to the present. The activity log includes stories and photos that the user has been tagged in, as well as connections made through the account, such as "liking" a

Facebook page or adding someone as a friend. The activity log is visible to the user but cannot be viewed by people who visit the user's Facebook page.

26. "Facebook Notes" is a blogging feature available to Facebook users, and it enables users to write and post notes or personal web logs ("blogs"), or to import their blogs from other services, such as Xanga, LiveJournal, and Blogger.

27. The "Facebook Gifts" feature allows users to send virtual "gifts" to their friends that appear as icons on the recipient's profile page. Gifts cost money to purchase, and a personalized message can be attached to each gift. Facebook users can also send each other "pokes," which are free and simply result in a notification to the recipient that he or she has been "poked" by the sender.

28. Facebook also has a "Marketplace feature," which allows users to post free classified ads. Users can post items for sale, housing, jobs, and other items on the Marketplace.

29. In addition to the applications described above, Facebook also provides its users with access to thousands of other applications ("apps") on the Facebook platform. When a Facebook user accesses or uses one of these applications, an update about that user's access or use of that application may appear on the user's profile page.

30. Facebook uses the term "Neoprint" to describe an expanded view of a given user profile. The "Neoprint" for a given user can include the following information from the user's profile: profile contact information; News Feed information; status updates; links to videos, photographs, articles, and other items; notes; wall postings; friend lists, including the friends' Facebook user

identification numbers; groups and networks of which the user is a member, including the groups' Facebook group identification numbers; future and past event postings; rejected "Friend" requests; comments; gifts; pokes; tags; and information about the user's access and use of Facebook applications.

31. Facebook also retains Internet Protocol ("IP") logs for a given user ID or IP address. These logs may contain information about the actions taken by the user ID or IP address on Facebook, including information about the type of action, the date and time of the action, and the user ID and IP address associated with the action. For example, if a user views a Facebook profile, that user's IP log would reflect the fact that the user viewed the profile, and would show when and from what IP address the user did so.

32. Social networking providers like Facebook typically retain additional information about their users' accounts, such as information about the length of service (including start date), the types of service utilized, and the means and source of any payments associated with the service (including any credit card or bank account number). In some cases, Facebook users may communicate directly with Facebook about issues relating to their accounts, such as technical problems, billing inquiries, or complaints from other users. Social networking providers like Facebook typically retain records about such communications, including records of contacts between the user and the provider's support services, as well as records of any actions taken by the provider or user as a result of the communications.

33. As explained herein, information stored in connection with a

Facebook account may provide crucial evidence of the “who, what, why, when, where, and how” of the criminal conduct under investigation, thus enabling the United States to establish and prove each element or alternatively, to exclude the innocent from further suspicion. In my training and experience, a Facebook user’s “Neoprint,” IP log, stored electronic communications, and other data retained by Facebook, can indicate who has used or controlled the Facebook account. This “user attribution” evidence is analogous to the search for “indicia of occupancy” while executing a search warrant at a residence. For example, profile contact information, private messaging logs, status updates, and tagged photos (and the data associated with the foregoing, such as date and time) may be evidence of who used or controlled the Facebook account at a relevant time. Further, Facebook account activity can show how and when the account was accessed or used. For example, as described herein, Facebook logs the Internet Protocol (IP) addresses from which users access their accounts along with the time and date. By determining the physical location associated with the logged IP addresses; investigators can understand the chronological and geographic context of the account access and use relating to the crime under investigation. Such information allows investigators to understand the geographic and chronological context of Facebook access, use, and events relating to the crime under investigation. Additionally, Facebook builds geo-location into some of its services. Geo-location allows, for example, users to “tag” their location in posts and Facebook “friends” to locate each other. This geographic and timeline information may tend to either inculcate or exculpate the Facebook account

owner. Last, Facebook account activity may provide relevant insight into the Facebook account owner's state of mind as it relates to the offense under investigation. For example, information on the Facebook account may indicate the owner's motive and intent to commit a crime (e.g., information indicating a plan to commit a crime), or consciousness of guilt (e.g., deleting account information in an effort to conceal evidence from law enforcement).

34. Therefore, the computers of Facebook are likely to contain all the material described above, including stored electronic communications and information concerning subscribers and their use of Facebook, such as account access information, transaction information, and other account information.

INFORMATION TO BE SEARCHED AND THINGS TO BE SEIZED

35. I anticipate executing this warrant under the Electronic Communications Privacy Act, in particular 18 U.S.C. §§ 2703(a), 2703(b)(1)(A), and 2703(c)(1)(A), by using the warrant to require Facebook to disclose to the Government copies of the records and other information (including the content of communications) particularly described in Section I of Attachment B. Upon receipt of the information described in Section I of Attachment B, government-authorized persons will review that information to locate the items described in Section II of Attachment B.

CONCLUSION

36. Based on the foregoing, I request that the Court issue the proposed search warrant.

37. This Court has jurisdiction to issue the requested warrant because

it is “a court of competent jurisdiction” as defined by 18 U.S.C. § 2711, and used in 18 U.S.C. §§ 2703(a), 2703(b)(1)(A), and 2703(c)(1)(A).

38. Pursuant to 18 U.S.C. § 2703(g), the presence of a law enforcement officer is not required for the service or execution of this warrant.

REQUEST FOR SEALING AND DELAYED NOTIFICATION

39. I further request that the Court order that all papers filed in support of this matter, including the Application, Affidavit, Search Warrant, Search Warrant return and inventory, Motion and Order to Seal, Order of Non-Disclosure of Search Warrants, and all other related documents in this case, be sealed until further order of the Court. These documents discuss an ongoing criminal investigation that is neither public nor known to all of the targets of the investigation.

40. Based on my training and experience, I further request that the Court command Facebook, Inc., to delay notification of the search warrant obtained herewith to the subject of the search warrant, pursuant to 18 U.S.C. § 2705, because notification of the search warrants issued in this matter may adversely affect the investigation in the following ways: destruction of or tampering with evidence; or otherwise seriously jeopardizing an investigation or unduly delaying a trial.

41. I have recently reviewed the Facebook account that is the subject of this Affidavit, and attest that the account remains active. Should the subject of this Affidavit become aware of the search warrant, she will likely shut down her account thereby destroying any further relevant evidence of criminal violations thus seriously jeopardizing the investigation.

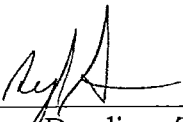
42. I am aware that in cases involving the distribution of controlled substances, individuals communicating through social media to further their distribution efforts believe their communications will remain confidential with

those to whom the communications are intended and certainly not accessible to law enforcement. Further, in the drug culture, those assisting or communicating with law enforcement are deemed to be “snitches” and snitches are not tolerated by others engaged in drug distribution activities. Should the subject of this Affidavit or others become aware of the search warrant, the subject may be labeled a snitch or the subject may believe others tipped off law enforcement to his account. Either way, the physical safety of the subject and/or others may be endangered, as a result of the search warrant being made known to the subject of this Affidavit.

43. Similarly, snitches and others communicating with the subject or having knowledge and information about the subject’s drug distribution activities, may become potential witnesses. If the search warrant is made known to the subject of this Affidavit, pressure and/or other forms of intimidation may be applied to potential witnesses to not cooperate with law enforcement.

44. Accordingly, there is good cause to seal all of the documents because their premature disclosure may seriously jeopardize the investigation, and there is good cause to delay notification of the search warrant to the Facebook user at issue due to the likelihood of an adverse result as set forth above.

Respectfully submitted,



Dylan Dowling, TFO
Northern Plains Safe Trails Drug Enforcement Task Force

Sworn to me by reliable electronic means and not in my presence on this
10th day of January, 2019, at Rapid City, South Dakota.



DANETA WOLLMANN
United States Magistrate Judge

ATTACHMENT A

Property to Be Searched

This warrant applies to information associated with the following Facebook User Account Number “1202633104”/Facebook Username “jojo.bourne.1” that is stored at premises owned, maintained, controlled, or operated by Facebook, Inc., a company headquartered in Menlo Park, California, with offices located at 1601 Willow Road, Menlo Park, California 94025.

A preservation request for Facebook User Account Number “1202633104”/Facebook Username “jojo.bourne.1” was submitted to Facebook on December 17, 2018. The Facebook case number for that request is 2213851.

ATTACHMENT B

Particular Things to Be Seized

I. Information to be disclosed by Facebook

To the extent that the information described in Attachment A is within the possession, custody, or control of Facebook, Inc. ("Facebook"), including any messages, records, files, logs, or information that have been deleted but are still available to Facebook, or have been preserved pursuant to a request made under 18 U.S.C. § 2703(f), Facebook is required to disclose the following information to the government for the Facebook User Account Number/Facebook Username listed in Attachment A, for the time period of June 1, 2018, through the date of this order:

- (a) All contact and personal identifying information, associated with Facebook User Account Number "1202633104"/Facebook Username "jojo.bourne.1", including but not limited to, full name, user identification number, birth date, sender, contact e-mail addresses, Facebook passwords, Facebook security questions and answers, physical address (including city, state, and zip code), telephone numbers, screen names, websites, and other personal identifiers;
- (b) All activity logs for the account and all other documents showing the user's posts and other Facebook activities;
- (c) All photos and videos uploaded by that Facebook User Account Number/Facebook Username and all photos and videos uploaded by any user that have that user tagged in them;
- (d) All profile information; News Feed information; status updates; links to videos, photographs, articles, and other items; Notes; Wall postings; friend lists, including the friends' Facebook user identification numbers; groups and networks of which the user is a member, including the groups' Facebook group identification numbers; future and past event postings; rejected "Friend" requests; comments; gifts; pokes; tags; and information about the user's access and use of Facebook applications;

- (e) All other records of communications and messages made or received by the user, including all private messages, chat history, video calling history, and pending "Friend" requests;
- (f) All "check ins" and other location information;
- (g) All IP logs, including all records of the IP addresses that logged into the account;
- (h) All records of the account's usage of the "Like" feature, including all Facebook posts and all non-Facebook webpages and content that the user has "liked";
- (i) All information about the Facebook pages that the account is or was a "fan" of;
- (j) All past and present lists of friends created by the account;
- (k) All records of Facebook searches performed by the account;
- (l) All information about the user's access and use of Facebook Marketplace;
- (m) The types of service utilized by the user;
- (n) The length of service (including start date) and the means and source of any payments associated with the service (including any credit card or bank account number);
- (o) All privacy settings and other account settings, including privacy settings for individual Facebook posts and activities, and all records showing which Facebook users have been blocked by the account; and
- (p) All records pertaining to communications between Facebook and any person regarding the user or the user's Facebook account, including contacts with support services and records of actions taken.

II. Information to be seized by the government

All information described above in Section I that constitutes fruits, evidence and instrumentalities of violations of 21 U.S.C. §§ 841 and 846

(Distribution, Possession with Intent to Distribute, and/or Conspiracy to Distribute a Controlled Substance), for the user ID identified on Attachment A, information pertaining to the following matters:

- (a) Evidence indicating how and when the Facebook account was accessed or used, to determine the chronological and geographic context of account access, use, and events relating to the crime under investigation and to the Facebook account owner;
- (b) Evidence indicating the Facebook account owner's state of mind as it relates to the crime under investigation;
- (c) The identity of the person(s) who created or used the user ID, including records that help reveal the whereabouts of such person(s); and
- (d) The identity of the person(s) who communicated with the user ID, about matters relating to the illegal trafficking of narcotics, threatening or retaliating against witnesses, and threats using phones, e-mail, or computers.